

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

UNITED STATES OF AMERICA,

Plaintiff,

v.

LONNIE EUGENE LILLARD,

Defendant.

CASE NO. CR98-5168 RJB

ORDER DENYING PETITIONER  
LONNIE LILLARD'S MOTION  
FOR THE APPOINTMENT OF  
COUNSEL TO FILE A PETITION  
FOR WRIT OF CERTIORARI TO  
THE UNITED STATES SUPREME  
COURT

This matter comes before this United States District Court on the above motion (Dkt. 114). The Government has not responded to the motion, but the Court is fully advised. For the following reasons, the motion should be denied.

1) Defendant Lillard ("Petitioner") brings this motion after the Ninth Circuit Court of Appeals denied a similar motion (*see* District Court Dockets 112 & 113). This Court cannot serve as an appellate court over alleged errors committed by the Ninth Circuit Court of Appeals.

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2) None of the authorities Defendant/Petitioner cites as supporting his motion apply:

A. The Criminal Justice Act, 18 U.S.C. § 3006A does not reference or apply to requests for the aid of counsel in Supreme Court Writ applications;

B. Federal Rule of Criminal Procedure 44 provides for the right to counsel “through appeal.” Defendant/Petitioner’s appeal has been completed, and the rule does not apply to writ applications after appeal; and

C. Ninth Circuit Rule 4.1(e), Post Appeal Proceedings, provides that the Ninth Circuit (“this court”) “will entertain a motion” for appointment of counsel in regard to Supreme Court Writs of Certiorari. That rule does not apply to District Courts and does not give authority to a District court to entertain Defendant/Petitioner’s motion.

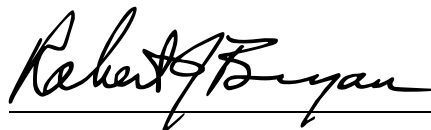
3) This Court lacks authority to grant Defendant/Petitioner’s motion.

Therefore, it is hereby

ORDERED that Defendant/Petitioner’s Motion (Dkt. 114) is DENIED.

The Clerk is directed to send uncertified copies of this Order to all counsel of record and to any party appearing *pro se* at said party’s last known address.

Dated this 15<sup>th</sup> day of July, 2020.



ROBERT J. BRYAN  
United States District Judge